

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 301.1 to permit rear yard setbacks of 12 feet (Lot 106A) and 19 feet (Lot 106B) instead of the required 30 feet; and Section 301.1 to permit a rear yard setback of 16 feet (Lot 106B) for an open projection instead of the required 22.5 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Irregular shaped building lots to be subdivided by owners for their children.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)

Signature _____

Address _____
City and State _____

Legal Owner(s): _____
(Type or Print Name)

Signature _____

Address _____
City and State _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Name _____
Address _____
City and State _____
Phone No. _____

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of August, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of October, 1981, at 9:30 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NW/5 of Bauernschmidt Dr.,
52' NE of Hillside Dr.,
15th District : OF BALTIMORE COUNTY

JOSEPH R. DEADY, et ux,
Petitioners : Case No. 32-111-A

ORDER TO ENTEK APPEARANCE

Mr. Commissioners:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman : John W. Hession, III
Deputy People's Counsel : People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2193

I HERESY CERTIFY that on this 1st day of October, 1981, a copy of the foregoing Order was mailed to Mr. and Mrs. Joseph P. Deady, Hillside Drive, Baltimore, Maryland 21221, Petitioners.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 22, 1981

County Office Bldg.
100 W. Chesaapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Gonsky

Members
John L. Wimbley
John W. Hession, III

Staff
John W. Hession, III
John W. Hession, III

Staff
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Mr. & Mrs. Joseph M. Deady
Hillside Drive
Baltimore, Maryland 21221

RE: Item No. 40
Petitioner - Joseph Deady, et ux
Variance Petition

Dear Mr. & Mrs. Deady:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Particular attention should be afforded to comments of Current Planning. For further information on this comment, you can contact Mr. Jack Wimbley at 494-3333.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
NICHOLAS B. GONSKY
Chairman
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

cc: JST Engineering Co., Inc.
48313 Belair Road
Baltimore, Md. 21206



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 16, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #40 (1981-1982)
Property Owner: Joseph R. & Evelyn M. Deady
NW/5 Bauernschmidt Dr. 52' N/E of Hillside Dr.
Acres: 8,503 sq. ft. District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied by the Baltimore County Joint Subdivision Planning Committee June 18, 1981 (copy attached) in connection with their review of this property, are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 40 (1981-1982).

Very truly yours,

[Signature]
WILLIAM E. HAMMOND, P.E., Chief
Bureau of Public Services

RAM:EAM:WR:SS

Attachment

cc: Jack Wimbley
Harris Shalowitz

1-SS Key Sheet
1 & 2 NE 39 Pos. Sheets
NE 1 J Topo
98 Tax Map

REVIEWED BY THE BALTIMORE COUNTY JOINT SUBDIVISION PLANNING COMMITTEE
JUNE 18, 1981

BAUERNSCHMIDT MANOR

Developer - Mr. Joseph R. Deady, 509 Hillside Drive
Baltimore, MD 21221

Engineer - J.S.T. Engineering Co., Inc., 48313 Belair Road
Baltimore, MD 21206

District - 15

Location - W. of Bauernschmidt Drive, intersection of Riverside Drive
with Bauernschmidt Drive

Lot Type - D-R 55 No. of Units: 2 Lots No. of Acres: .447

Facilities - Public Water & Sewer

Representatives Present:

Representing Developer: Joseph Deady, Joseph McCraw

Representing Developer Engineering Division: Harry Shalowitz, Ed McDonough

Developer presented a 30-scale for the proposed subdivision located as stated above. The following comments were made:

Developer stated that he proposes to develop the separate tract of land into two (2) lots with access from Bauernschmidt Drive. Public Water and public sewer exists along this frontage.

The Office of Zoning stated that Developer's Engineer to show the building envelopes' average set-back may be used for this subdivision, each lot shall be a minimum of 6,000 square feet. The rear set-backs as shown do not meet requirements; therefore, a variance will be required for each lot. Developer must make request to the Office of Zoning for a hearing.

The Office of Planning stated that this tract of land may be within the State Wetlands; therefore, may require a State Permit. A development plan is required for all subdivisions; however, the developer may request a waiver for this requirement. Hearings and distance to be shown along the property line of this tract of land. Open space is required for this subdivision; however, developer may request a waiver and be responsible for a fee in lieu of open space. For information pertaining to open space, please contact the Department of Recreation and Parks.

Bureau of Engineering stated that Bauernschmidt Drive is proposed to be improved with a 40-foot curb & gutter cross-section on a 60-foot right-of-way. Developer will not be responsible for road improvements; however, developer will be responsible for the dedication of a highway right-of-way widening, and for the 10-foot reversible slope easement at no cost to the County. Bureau of Engineering stated that this property, as stated by the

JSPC Meeting

-2-

June 18, 1981

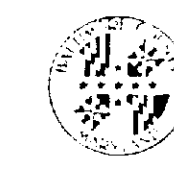
Re: Bauernschmidt Manor
District 15

Office of Planning, may be within the State's Wetlands and may require a Water Resources permit and Corp of Engineering's approval. Storm drains improvements are required; the improvements shall be designed and constructed as a public drain and at developer's cost. Easements are required within this subdivision to make connective storm drain improvements. Developer Engineer to show existing paving width and right-of-way width for Bauernschmidt Drive.

Sediment Control requirements apply at the time of Building Application. Developer Engineer to show the location of any existing street lights within 200-feet of this property. If additional street lights are requested, will be developer's cost. Public Water and Sewer exists on Bauernschmidt Drive and is available in accordance with County standards and specifications. Minimum first floor elevation shall be 11.2-feet.

Soils reports from Soil Conservation District were presented to all representatives present.

Developer was advised that if this plan has been revised in accordance with comments and suggestions of the Committee, this plan may be submitted for further processing.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GENSER
DIRECTOR

October 1, 1981

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #40, Zoning Advisory Committee Meeting, August 18, '81, are as follows:

Property Owner: Joseph R. and Evelyn M. Deady
Location: NW/5 Bauernschmidt Drive 52' N/E of Hillside Drive
Acres: 8,503 sq. ft.
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

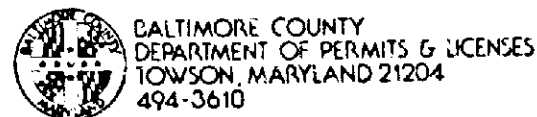
If the variance is granted the petitioner must comply with Title 22 (Subdivision Regulations) of the Baltimore County Code.

Very truly yours,

[Signature]
John L. Wimbley
Planner III
Current Planning and Development

JLW:rh

CSB:vlg



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

November 27, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond: REVISED
Consents on Item # 40 Zoning Advisory Committee Meeting, October 27, 1981
are as follows:

Property Owner: Joseph R. & Evelyn M. Deady
Location: NW/4 Bauernschmidt Drive 52' N/E of Hillside Drive
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear yard setback of 12.5' on Lot 106-A and a rear yard setback of 19' on Lot 106-B in lieu of the required 30' on each lot.
Acres: 8,503 sq. ft.
District: 15th

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
 - A building/ permit shall be required before beginning construction.
 - Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required.
 - Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
 - In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 4" masonry firewall is required if construction is on the lot line.
 - Requested variance conflicts with the Baltimore County Building Code, Section 4.
 - A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
 - Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 214.
- X 1. Comments: Any structure or portion thereof located in a Flood Plain area shall comply with Section 319.0 as amended in Bill 199-79. (See attachment).

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CBE:rrj

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS

BALTIMORE COUNTY BUILDING CODE 1978

EFFECTIVE MARCH 1, 1980

SECTION 319.0 A new section added to read as follows:

SECTION 319.0 Construction in Areas Subject to Flooding.

319.1 Areas Subject to Inundation by Tidelaters.

1. Where buildings or additions are built in areas subject to inundation by tidewaters, the lowest floor (including basement) shall not be lower than one (1) foot above the 100 year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive. Such buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, be constructed with materials resistant to flood damage.

2. Crawl spaces under buildings constructed in the tidal flood plain as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require onsite waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

319.2 Riverine areas subject to inundation by surface waters within the 100 year flood plain.

1. No structure or additions shall be allowed within the 100 year flood plain of any watercourse. The 100 year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive; this determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 106.0 or 123.0 as applicable, except that rebuilding or residential dwellings units damaged in excess of 50 percent of physical value shall also be governed by the provisions of subsection 319.1 of this section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 319.1 when damage exceeds 50 percent of physical value.

rrj/

PETITION FOR VARIANCE

15th District

ZONING: Petition for Variance

LOCATION: Northwest side of Bauernschmidt Drive, 52 feet Northeast of Hillside Drive

DATE & TIME: Thursday, October 29, 1981 at 9:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit rear yard setbacks of 12 feet (Lot 106A) and 19 feet (Lot 106B) instead of the required 30 feet; and to permit a rear yard setback of 16 feet (Lot 106B) for an open projection instead of the required 22.5 feet.

The Zoning Regulation to be excepted as follows:

Sections 1, B02.3, C.1 and 301.1 - minimum rear yard setbacks in D.R. 5.5 Zone

All that parcel of land in the 15th District of Baltimore County.

Being the property of Joseph R. Deady, et ux, as shown on plat plan filed with the Zoning Department.

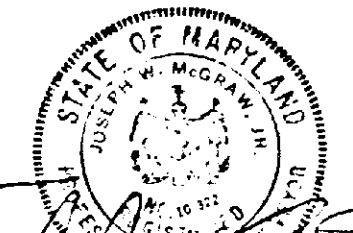
Hearing Date: Thursday, October 29, 1981 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

DESCRIPTION

Proposed Lots 106-A & 106-B

Beginning for the same at a point on the northwest side of Bauernschmidt drive 52 feet northeasterly from the northeast side of Hillside Drive and running thence by a line curving to the left with a radius of 146.40 feet for an arc length of 55.52 feet thence North 02 degrees 38 minutes 40 seconds East 170.00 feet, thence by a line curving to the left with a radius of 80.00 feet for an arc length of 45.00 feet thence North 29 degrees 35 minutes 40 seconds West 30.80 feet, thence South 33 degrees 23 minutes 29 seconds West 147.50 feet to a wood bulkhead, thence South 63 degrees 25 minutes 25 seconds East 41.00 feet, thence South 30 degrees 04 minutes 13 seconds West 46.00, thence South 32 degrees 51 minutes 18 seconds East 133.50 feet to the place of beginning.



REVISED PLANS



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 21, 1981

Mr. and Mrs. Joseph R. Deady
509 Hillside Drive
Baltimore, Maryland 21221

RE: Petition for Variance
NW/4 Bauernschmidt Dr., 52' NE of Hillside Dr.
Case #82-111-A Item #40

Dear Mr. and Mrs. Deady:

This is to advise you that \$60.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WPH:klr

No. 102640

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 11/18/81 ACCOUNT 01-662

AMOUNT \$60.75

RECEIVED FROM Evelyn M. Deady
FOR Posting & Advertising of Case #82-111-A

30346.16

60.75

VALIDATION OR SIGNATURE OF CASHIER

Mr. and Mrs. Joseph R. Deady
509 Hillside Drive
Baltimore, Maryland 21221

September 30, 1981

NOTICE OF HEARING

RE: Petition for Variances
NW/4 of Bauernschmidt Dr., 52' NE of Hillside Dr.
Case #82-111-A

TIME: 9:30 A.M.

DATE: Petition for Variance on Thursday, October 29, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 23, 1981

Mr. & Mrs. Joseph R. Deady
509 Hillside Drive
Baltimore, Maryland 21221

RE: Petition for Variances
NW/4 of Bauernschmidt Dr., 52' NE of Hillside Dr. - 15th Election District
Joseph R. Deady, et ux - Petitioners
NO. 82-111-A (Item No. 40)

Dear Mr. & Mrs. Deady:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

Jan 16/80

509 Hillside Drive
Baltimore, MD 21221
August 21, 1981

Mr. William E. Howard
Zoning Commissioner
Room 109
County Office Building
Towson, MD 21204

Dear Mr. Howard:

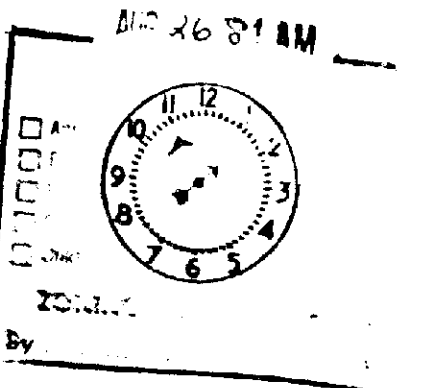
We are requesting an early hearing on the planned sub-division of our lot. We started work on this project several years ago.

Two of our children (now living in apartments) are anxious to build houses of their own on these lots.

We will appreciate anything you can do to help speed up our plans.

Respectfully,

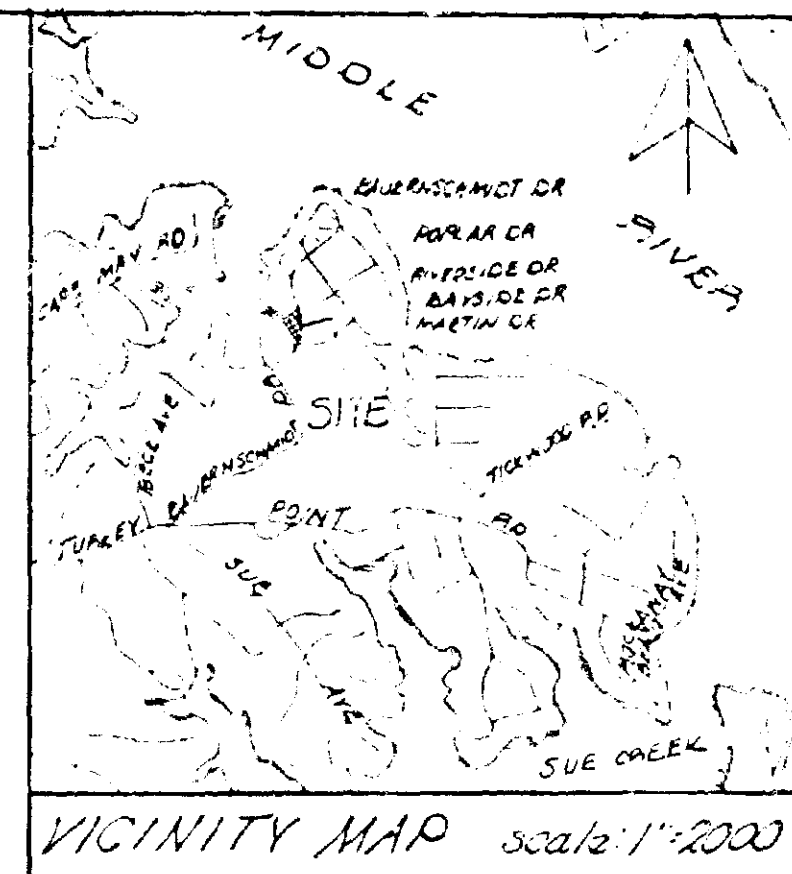
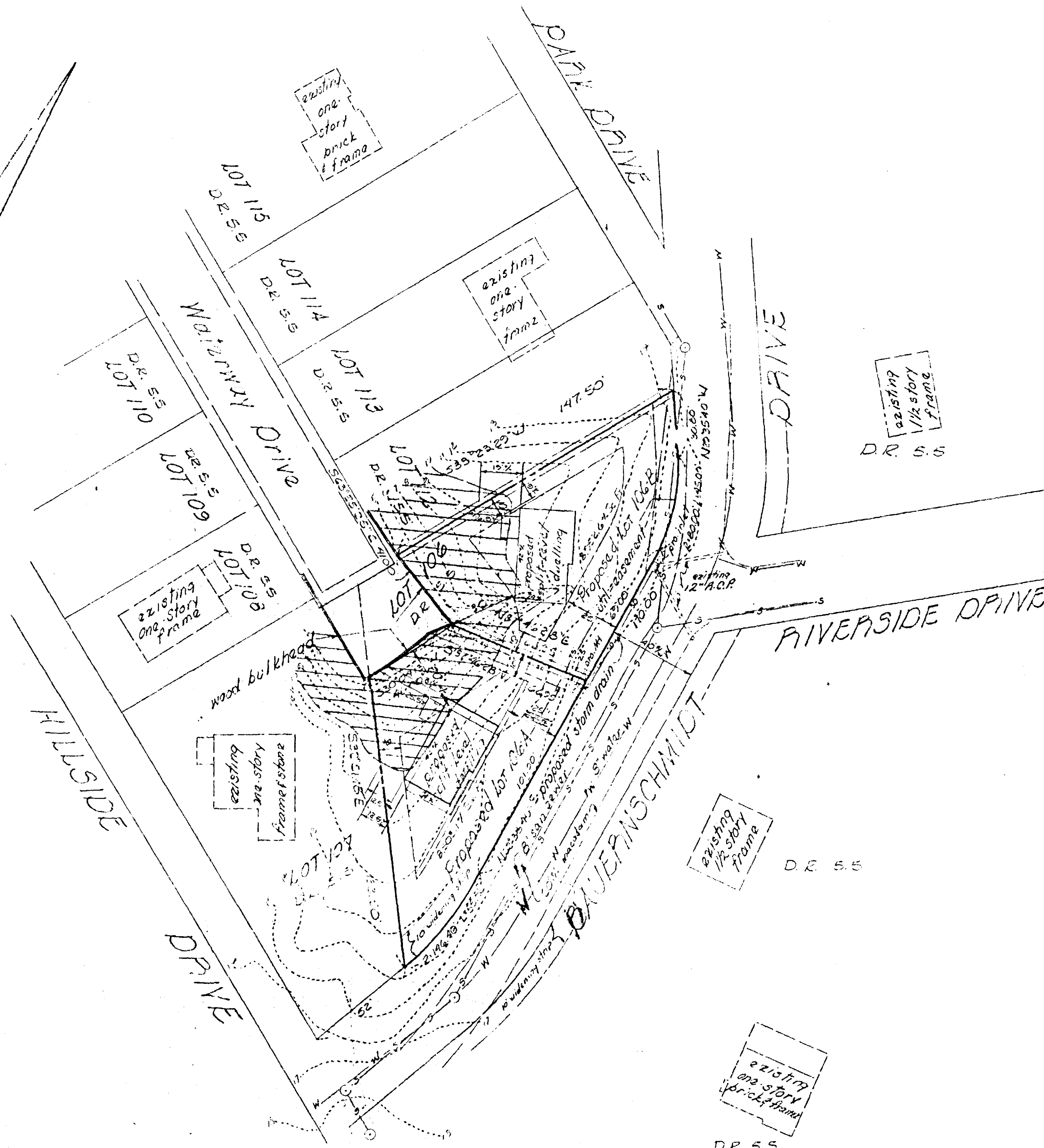
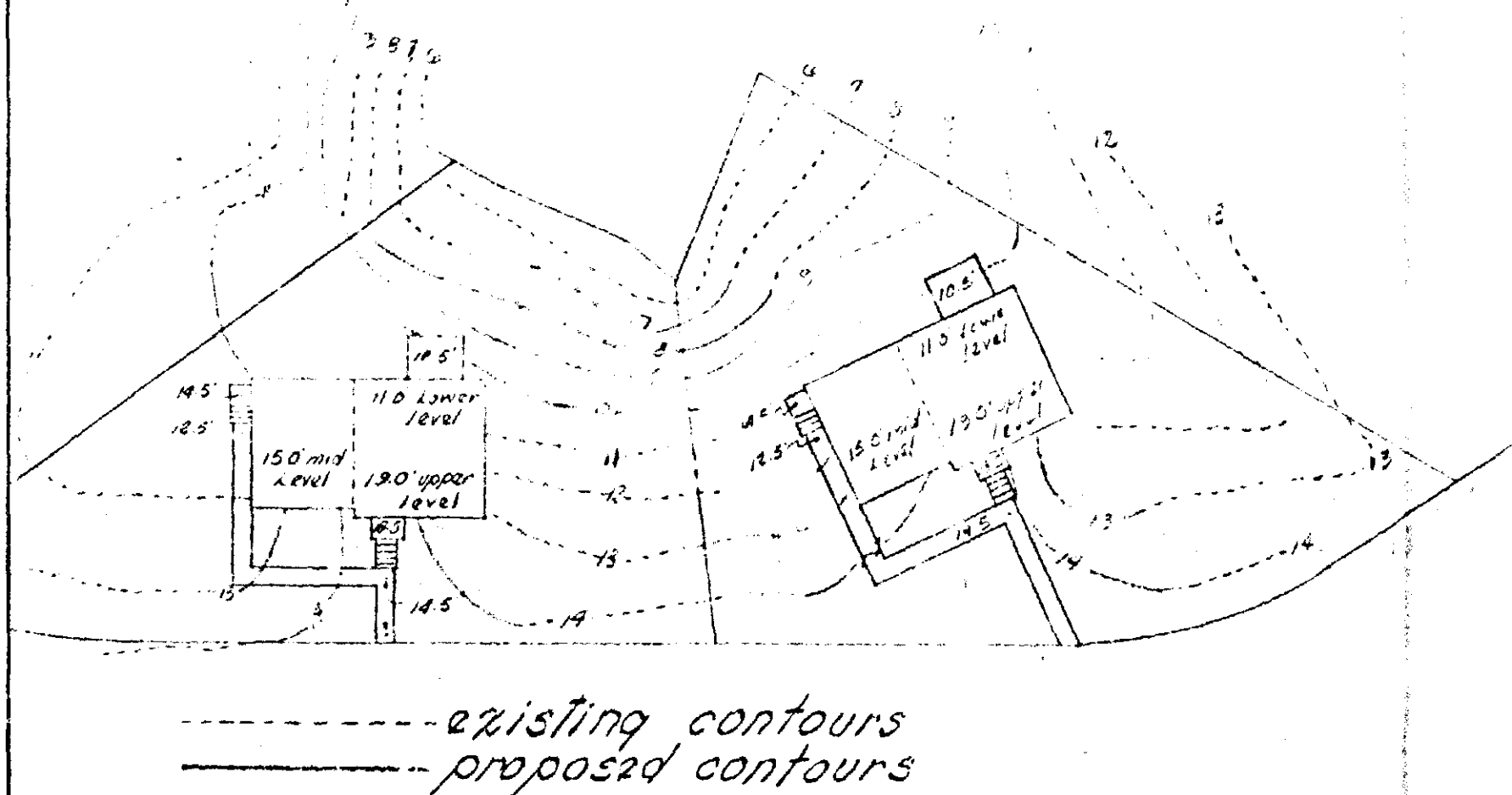
Joseph R. Deady
Joseph R. Deady



NOTES

- Gross area of Tract - 0.447 acres
- Present zoning - D.P. 5.5
- No. of lots allowed - 2 lots
- No. of lots proposed - 2 lots
- Waiver for local open space to be requested
- Waiver for final development plan to be requested
- Existing contours based on field run topographic survey
- Deed reference for lot 106: G.L.R. 2730, folio 461
- Front building setback shown hereon comply with Section 303-1 of Baltimore County Zoning Code.
- Required minimum 1st floor elevation is 11' due to 100 year flood plain.
- 10' Contour is limit of 100 year flood plain.

DETAIL PROPOSED GRADING



Bench Mark

P.A. spike in macadam on north east side of Bauernschmidt Drive at Riverside Drive

100 Year Flood Plain Area

Plat to Accompany the
Petition for Zoning Variance
for the
RESUBDIVISION OF LOT 106
BAUERNSCHMIDT MANOR
PLAT BOOK 12, FOLIO 81
15TH ELECTION DISTRICT - BALTIMORE CO. MD.

DEVELOPER: JOSEPH A. DEADY
HILLSIDE DRIVE
BALTO CO, MD. 21221

SCALE: 1"=30' DATE: 8-6-81

J. S. T. ENGINEERING CO., INC.
PROFESSIONAL LAND SURVEYORS
15514 65TH AVE. N.W.
BETHesda, MARYLAND 20814

NOTES

Gross area of Tract - 0.447 acres +/-

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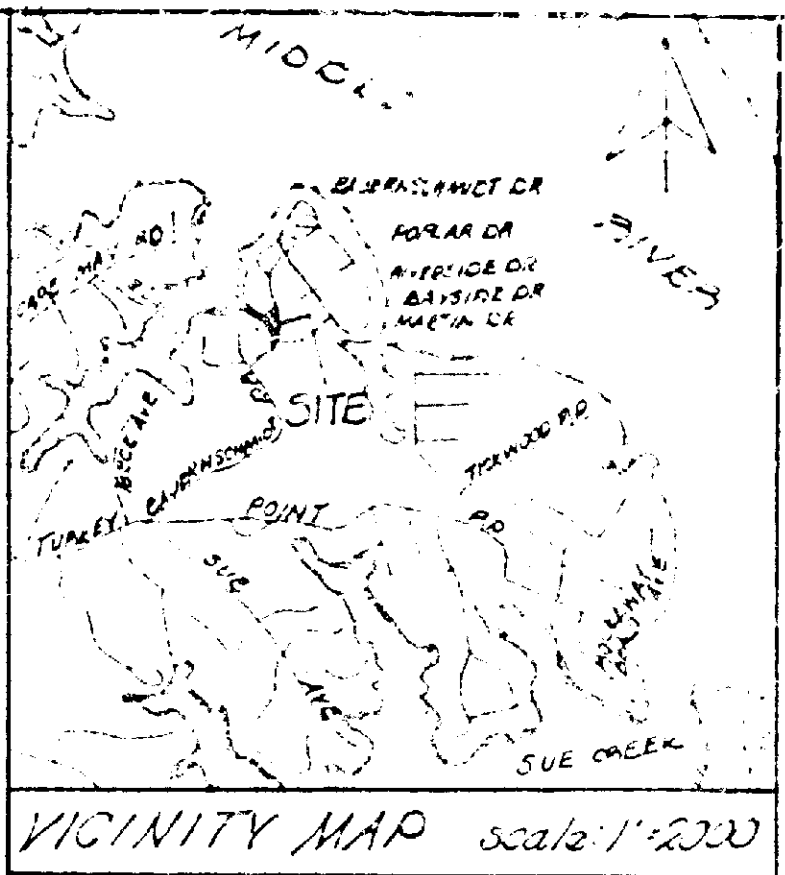
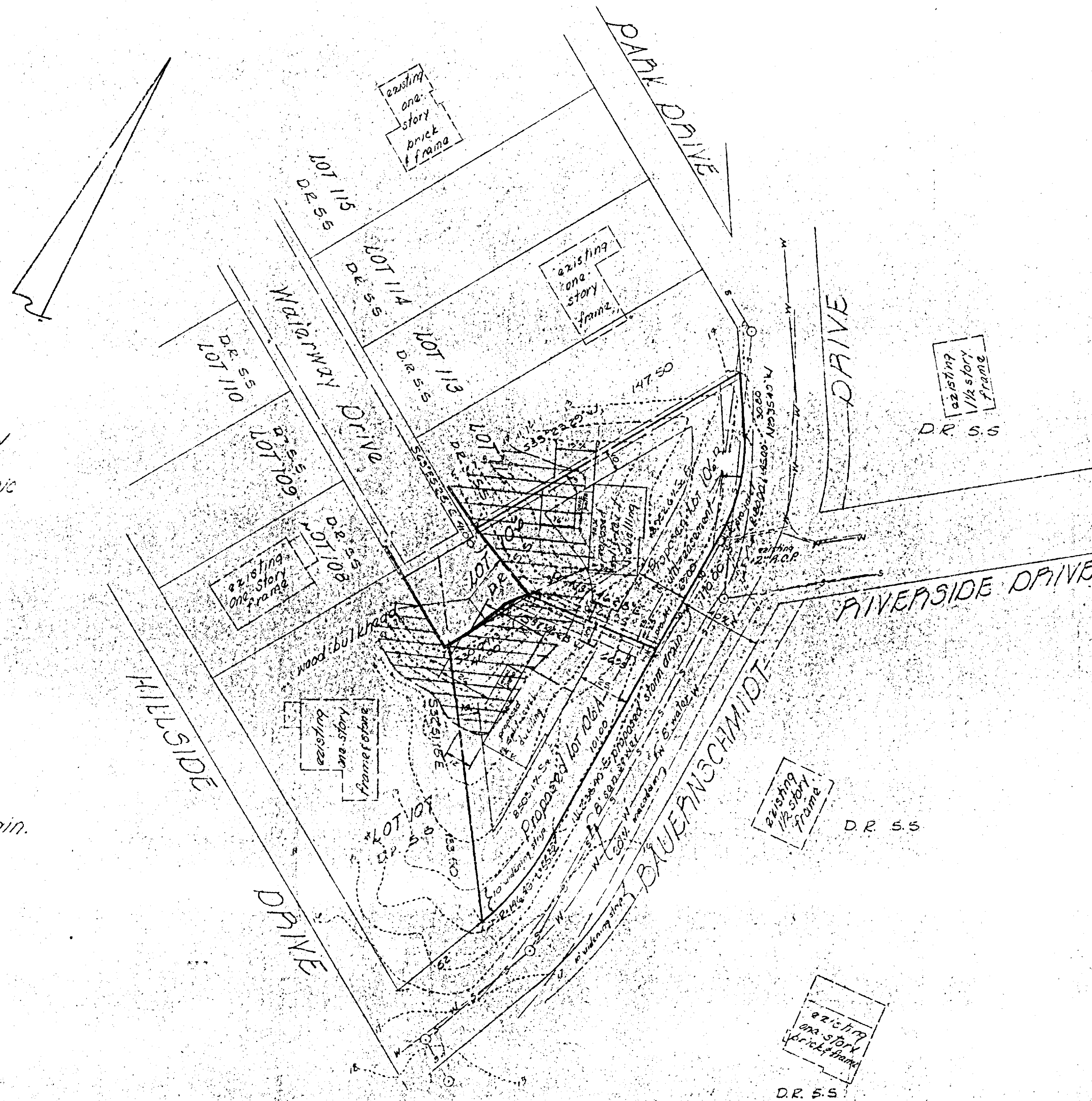
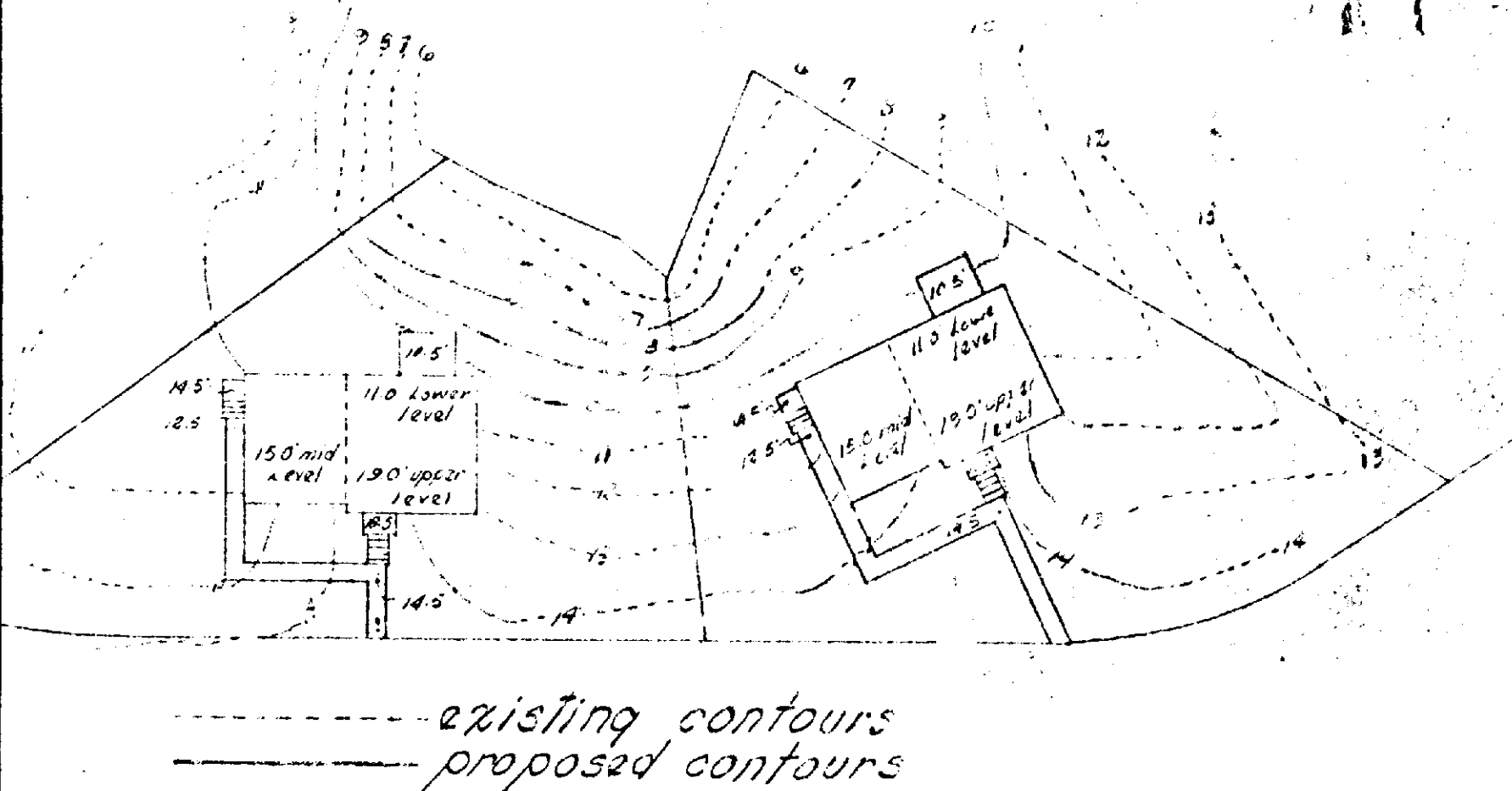
Deed reference for lot 106: G.L.B. 2730, folio 46!

Front building setback shown hereon comply
with Section 303-1 of Baltimore County
Zoning Code.

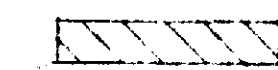
Required minimum 1st floor elevation is 11"
due to 100 year flood plain.

10' Contour is limit of 100 year flood plain.

DETAIL-PROPOSED GRADING

Bench Mark

AA Spike in macadam on north
east side of Bauernschmidt
Drive at Riverside Drive



100 Year Flood Plain Area

Revised
 Plat to Accompany the
 Petition for Zoning Variance
 for the

RESUBDIVISION OF LOT 106
BAUERNSCHMIDT MANOR
PLAT BOOK 12, FOLIO 81
15TH ELECTION DISTRICT - BALTIMORE CO. MD.

DEVELOPER: JOSEPH A. DEADY
HILLSIDE DRIVE
BALTO CO, MD. 21221

SCALE: 1"=30'

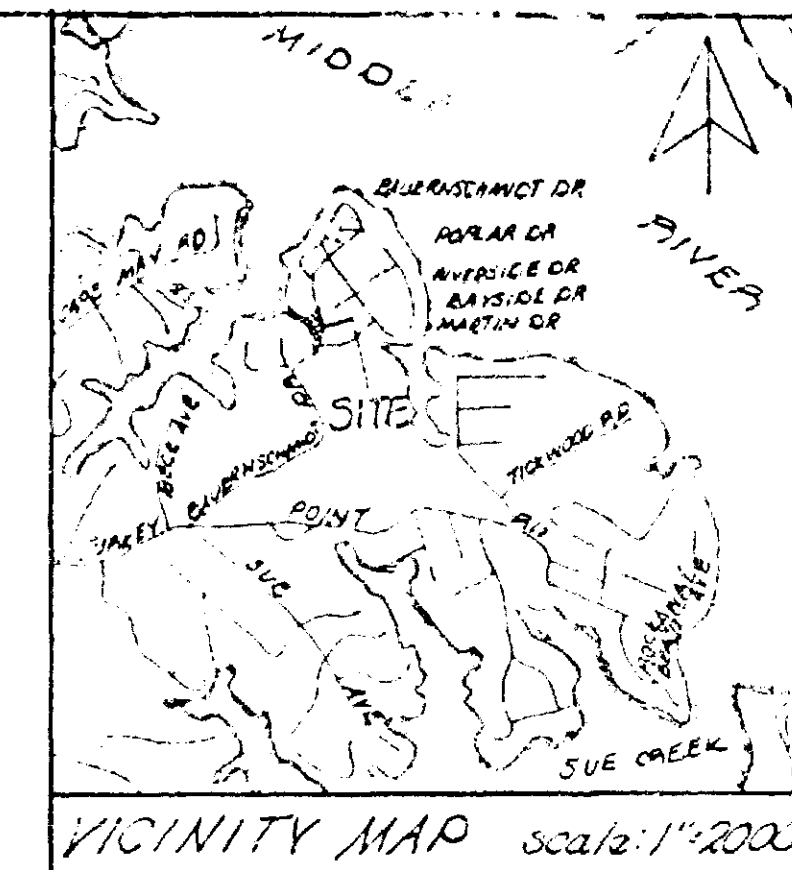
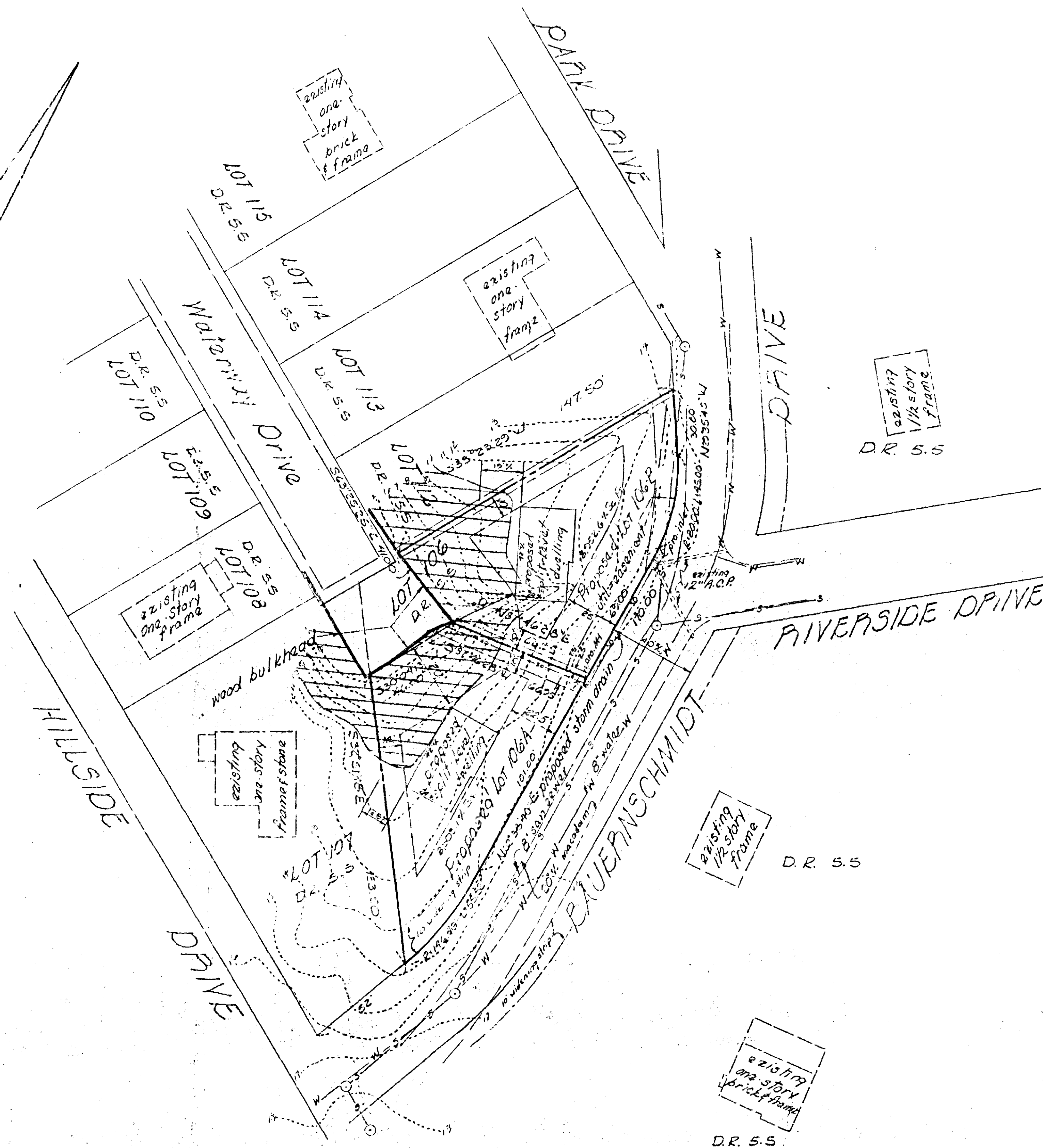
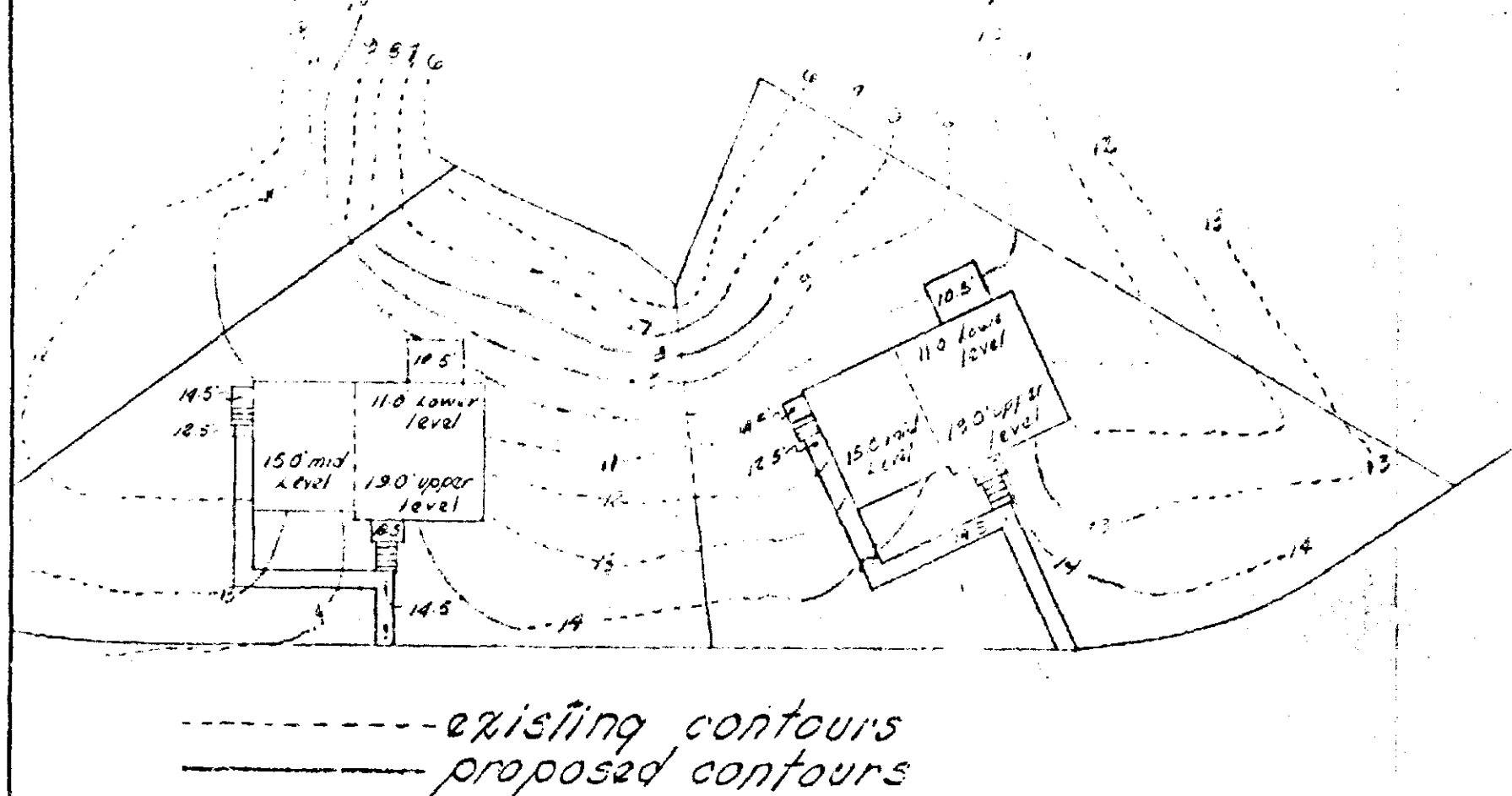
DATE: 8-6-31
Revised: 9-28-51

J. S. T. ENGINEERING CO., INC.
PROFESSIONAL LAND SURVEYORS
133 1/2 E. 11th, MOBILE
EASTHOPE, ALABAMA 36606

NOTES

- Gross area of Tract - 0.447 acres
- Present zoning - D.P. 5.5
- No. of lots allowed - 2 lots
- No. of lots proposed - 2 lots
- Waiver for local open space to be requested
- Waiver for final development plan to be requested
- Existing contours based on field run topographic survey
- Deed reference for lot 106 G.L.R. 2730, folio 461
- Front building setback shown hereon comply with Section 503-1 of Baltimore County Zoning Code.
- Required minimum 1st floor elevation is 11' due to 100 year flood plain.
- 10' Contour is limit of 100 year flood plain.

DETAIL PROPOSED GRADING



Bench Mark

RR Spike in macadam on north east side of Bauernschmidt Drive at Riverside Drive

100 Year Flood Plain Area

Plat to Accompany the
 Petition for Zoning Variance
 for the

RESUBDIVISION OF LOT 106

BAUERNSCHMIDT MANOR

PLAT BOOK 12, FOLIO 81

15TH ELECTION DISTRICT - BALTIMORE CO. MD.

DEVELOPER: JOSEPH A. DEADY
 HILLSIDE DRIVE
 BALTO CO, MD. 21221

SCALE: 1"=30'

DATE: 8-6-81

J. S. T. ENGINEERING CO., INC.
 PROFESSIONAL LAND SURVEYORS
 1831 1/2 BELAIR ROAD
 BALTIMORE, MARYLAND 21206